

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:00-cr-00071-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
ROBERT CHARLES BARNETTE,) ORDER
)
)
Defendant.)

THIS MATTER is before the court on a letter filed by defendant on October 24, 2013.

In that letter, defendant contends that he is being held by county authorities and not transferred to a state prison facility due to a detainer placed on him by the United States Marshal. By way of a Judgment on Revocation Proceedings, this court imposed 16 months imprisonment to be run consecutively to any state court term imposed on the underlying state violations. According to defendant, the United States Marshal has placed a detainer on him which notifies state and/or county authorities that once he completes his state time, time is owed to federal authorities.

While this court understands that service of a state sentence in a county jail facility rather than a state prison is not ideal, the place of service of a state sentence is for state authorities to decide, not this federal court. Although this court would rather see this defendant receive the services available in a state prison, the impact of a federal detainer on service of a state sentence is beyond this court's control.

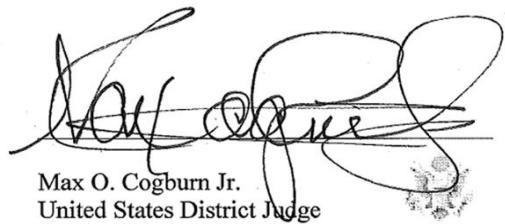
In an abundance of caution, this court will instruct that a copy of this Order and defendant's letter be sent to the United States Marshal for his review.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks relief in his October 24, 2013, letter (#59), such request is denied.

The Clerk of Court shall send a copy of this Order and defendant's letter to the United States Marshal for his review.

Signed: October 30, 2013



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge